

## **COMMENT**

before

### **The Federal Communications Commission**

In the matter of:

### **COMMISSION LAUNCHES MODERNIZATION OF MEDIA REGULATION INITIATIVE**

#### **MB Docket No. 17-105**

In response to FCC Public Notice FCC 17-58, released May 18, 2017, Western Inspirational Broadcasters, Inc. (WIBI) wishes to enter into the public record its comment regarding the Commission's stated effort to "*eliminate or modify regulations that are outdated, unnecessary or unduly burdensome*".<sup>1</sup>

WIBI is the licensee of nine (9) full service noncommercial FM broadcast stations and 27 noncommercial FM translators serving numerous communities in four (4) western states.

#### **WIBI proposes modification of Section 74.1231(b)**

that states:

*"(b) An FM translator may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified, and originating programming to the extent authorized in paragraphs (f), (g), and (h) of this section. However, an FM translator providing fill-in service may use any terrestrial facilities to receive the signal that is being rebroadcast. An FM booster station or a noncommercial educational FM translator station that is operating on a reserved channel (Channels 201-220) and is owned and operated by the licensee of the primary noncommercial educational station it rebroadcasts may use alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities. Provided, however, that an applicant for a noncommercial educational translator operating on a reserved channel (Channel 201-220) and owned and operated by the licensee of the primary noncommercial educational AM or FM station it rebroadcasts complies with either paragraph (b)(1) or (b)(2) of this section:"*

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<sup>1</sup> See FCC Public Notice 17-58

WIBI submits that a portion of Section 74.1231(b) is “outdated, unnecessary and unduly burdensome”, and proposes the following modification, eliminating the highlighted section:

*“(b) An FM translator may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified, and originating programming to the extent authorized in paragraphs (f), (g), and (h) of this section. However, an FM translator providing fill-in service may use any terrestrial facilities to receive the signal that is being rebroadcast. An FM booster station or a noncommercial educational FM translator station that is **operating on a reserved channel (Channels 201-220)** and is owned and operated by the licensee of the primary noncommercial educational station it rebroadcasts may use alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities. Provided, however, that an applicant for a noncommercial educational translator operating on a reserved channel (Channel 201-220) and owned and operated by the licensee of the primary noncommercial educational AM or FM station it rebroadcasts complies with either paragraph (b)(1) or (b)(2) of this section:”*

## **Narrative in support of the Proposal**

WIBI operates KNIS(FM), Carson City, NV and eight (8) other full service FM stations, which are subsequently rebroadcast on its 27 FM translator stations. Fourteen of the 27 FM translators are licensed on frequencies above Channel 220 (non-reserved channels, Channels 221 - 300), thus requiring that the signal to be rebroadcast be received “directly through space”. <sup>2</sup>

WIBI submits that this requirement which, by inference, has been applied to noncommercial educational stations operating FM Translators in the non-reserved band, is totally inconsistent with the allowance, in the same paragraph,

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<sup>2</sup> FM Translators: K226BN Lyman, WY, K232CT Gillette, WY, K236BN Cody, WY, K237FD Evanston, WY, K244DP Lander, WY, K245BH Cowley, Etc, WY, K247AN Big Piney, LaBarge, WY, K257DP Pinedale, WY, K257EO Sheridan, WY, K259CE Chester, Etc, CA, K266AO Lovelock, NV, K269DE Buffalo, WY, K269EG Rawlins, WY, and K273BY Riverton, WY.

of the use of “*alternative signal delivery means, including, but not limited to, satellite and terrestrial microwave facilities.*” for noncommercial educational stations operating on reserved channels (Channels 201 – 220).

The increased frequency congestion within the FM band has made the over-the-air reception requirement increasingly difficult to achieve, requiring additional capital investment in equipment for already financially strapped noncommercial broadcasters. When educational licensees were first granted permission to feed their translators via satellite, the reserved band was relatively free of congestion, so finding a reserved transmit frequency was generally not an issue, and therefore satellite-delivery could be utilized. Likewise, for translators on the commercial band, receiving an over-the-air signal (even a distant one) was quite feasible, as there were far fewer commercial frequencies in use at the time. WIBI submits that the rule referenced above is outdated given current conditions of scarce frequencies and unprecedented potential for reception interference on both the reserved and non-reserved bands.

Due to these challenges, WIBI and other educational licensees have experienced related issues requiring multiple translators to change transmit frequencies (including from the reserved band to the non-reserved band and vice-versa) in order to receive or transmit a clear signal. Since the programming and ownership of the translator is identical in both cases, why should one be limited to an over-the-air feed, while the other may utilize alternate means?

Furthermore, escalating rates for the vertical tower space required for the mounting of receive antennas has become particularly burdensome. Over the past decade, program delivery via the internet, AOIP, and other means has become much more cost effective.

We suggest that the classification of the primary station, whether commercial or non-commercial educational, should govern the allowable program delivery methods for the entire FM band, excepting in the case of commercial “fill-in” translators (which are currently permitted to use alternative signal delivery). For

non-commercial educational licensees, allowing 'alternate signal delivery means' on both reserved and non-reserved frequencies of translators will serve the public interest by improving the signal quality of translator transmissions, and will also reduce otherwise unnecessary frequency changes and expenses associated with conforming to the existing outdated and burdensome regulation. Thus, the proposed Rule change would rectify these issues and better align FCC rules to current conditions and challenges in operating noncommercial educational translators.